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HICKMAN PALERMO TRUONG & BECKER, LLP			LE, MIRANDA	
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2177

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Please find below and/or attached an Office communication concerning this application or proceeding.

dfn

# Office Action Summary

Application No.

09/872,235

Applicant(s)

BAFFIER ET AL.

Examiner

Miranda Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02/17/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is responsive to Amendment A, filed 02/17/2004.

Claims 1-70 are pending in this application. Claims 1, 36 are independent claims. In the Amendment A, claims 1, 36 have been amended, no claims have been added, or cancelled.

This action is made Final.

The objection to the specification of the invention has been withdrawn in view of the amendment.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15, 17-21, 25, 27, 31-33, 36-50, 52-56, 62, 66-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimura et al. (US Patent No. 6,636,588).

Kimura anticipated independent claims 1, 36, by the following:

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**As to claims 1, 36,** Kimura teaches “a first party managing one or more database systems” at col. 3, line 58 to col. 4, line 54, Fig. 1;

“a plurality of second parties subscribing to database services supported by the one or more database systems managed by the first party, wherein the database services include services for storing and managing data provided by the second parties” at col. 3, line 67 to col. 4, line 54; col. 5, lines 7-49;

“providing, over a network, to database applications controlled by the second parties, access to the database services to which the second parties are subscribed” at col. 6, line 31 to col. 7, line 34, col. 6, lines 31-53.

**As to claims 2, 37,** Kimura teaches “at least one of said second parties is an application service provider that provides application services to a plurality of third parties over said network” at col. 6, lines 3-53;

“the step of providing access to the database services includes providing database services to an application used by said application service provider to provide said application services to said third parties” at col. 5, line 51 to col. 6, line 11.

**As to claims 3, 38,** Kimura teaches “receiving over said network a request to perform a database management operation from a user associated with a particular second party of said plurality of second parties” at col. 5, line 3 to col. 6, line 3;

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“responding to said request by performing said database management operation on one or more databases controlled by said first party without human intervention by said first party” at col. 5, line 3 to col. 6, line 3.

**As to claims 4, 39,** Kimura teaches “wherein the one or more database systems are implemented on a set of database devices that include a plurality of database appliances, a database appliance comprising database software and non-database software tailored to the needs of the database software” at col. 4, lines 13-59.

**As to claims 5, 40,** Kimura teaches “wherein the step of providing access over a network includes providing access over a public network of computer networks” at col. 6, lines 31-53.

**As to claims 6, 41,** Kimura teaches “the step of performing the database management operation involves allocating a different amount of resources to said particular second party than is currently allocated for said particular second party” col. 6, lines 31-53.

**As to claims 7, 42,** Kimura teaches “the step of delivering to a party over the network one or more messages which cause generation of user interfaces that allow the party to subscribe to said database services provided by said first party” col. 6, lines 4-22.

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**As to claims 8, 43,** Kimura teaches “the user interfaces contain controls for specifying user profile information, payment information, and selection of database services” at col. 4, line 66 to col. 5, line 33.

**As to claims 9, 44,** Kimura teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to access a database for a database service to which said one of said second parties has subscribed” at col. 5, lines 3-44, col. 6, lines 4-14.

**As to claims 10, 45,** Kimura teaches “the first party also provides database application services over said network” at col. 5, lines 3-44;

“the method further comprises the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to access a database application service to which said one of said second parties has subscribed” at col. 5, lines 3-44, col. 6, line 60 to col. 7, line 5.

**As to claims 11, 46,** Kimura teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to indicate changes to at least one of profile information, payment information, and the selection of services to which said one of said second parties is subscribed” at col. 5, lines 3-44, col. 6, lines 4-14.

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**As to claims 12, 47,** Kimura teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to supply content for a subscribed database” at col. 6, line 60 to col. 7, line 5, col. 11, line 49 to col. 12, line 52.

**As to claims 13, 48,** Kimura teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to develop a new database application” at col. 4, lines 1-54.

**As to claims 14, 49,** Kimura teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to integrate an external service” at col. 11, line 49 to col. 12, line 52.

**As to claims 15, 50,** Kimura teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that present a status of a user subscribed resource selected from database resources managed by said first party” at col. 11, line 49 to col. 12, line 52.

**As to claims 17, 52,** Kimura teaches “the step of the first party updating the one or more database systems by receiving from a community server over the network an update to the one or

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more database systems, wherein the community server provides the update to a plurality of service providers over said network” at col. 12, lines 3-52.

**As to claims 18, 53,** Kimura teaches “the step of the first party sending to a community server a status of a user subscribed resource, wherein the user subscribed resource is maintained by said first party” at col. 11, line 49 to col. 12, line 52.

**As to claims 19, 54,** Kimura teaches “presenting to a user associated with said first party a user interface to allow said first party to configure a database device used to provide said database services as one of a dedicated device and a plurality of virtual devices” at col. 11, line 49-67, col. 12, lines 3-52.

**As to claims 20, 55,** Kimura teaches “presenting to a user associated with said first party a user interface to allow said first party to configure at least one of a dedicated device and a virtual device of a plurality of virtual devices as one of a staging device available only to a database service developer for developing database services” at col. 11, line 49-67, col. 12, lines 3-52,

“a production device for making database services available to a user who is not the database service developer” at col. 11, line 49-67, col. 12, lines 3-52.

**As to claims 21, 56,** Kimura teaches “presenting a user interface for transferring an application from a staging device to a production device” at col. 12, lines 27-61.



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**As to claims 27, 62,** Kimura teaches “in response to user input that specifies that data should be loaded into a subscribed database, determining whether the subscribed database currently exists for said one of said second parties” at col. 5, line 3 to col. 6, line 29;

“creating the subscribed database if the subscribed database does not currently exist for said one of said second parties” at col. 5, line 3 to col. 6, line 29.

**As to claims 31, 66,** Kimura teaches “the step of integrating comprises the steps of presenting a representation of a selectable external service” at col. 11, line 49 to col. 12, line 52;

“receiving user input indicating a selected external service” at col. 11, line 49 to col. 12, line 52;

“launching an integration process to provide the external service to the user” at col. 11, line 49 to col. 12, line 52.

**As to claims 32, 67,** Kimura teaches “the selectable external service includes at least one of a payment service” at col. 2, lines 58-63.

**As to claims 33, 68,** Kimura teaches “setting up database parameters” at col. 4, lines 25-66.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 22-26, 34-35, 57-61, 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Patent No. 6,636,588), in view of Papierniak et al. (US Patent No. 6,151,601).

As to claims 22, 57, Kimura teaches “the step of delivering to a party over the network one or more messages which cause generation of user interfaces that allow the party to subscribe to said database services is performed as part of a registration process” at col. 11, line 49 to col. 12, line 52;

Kimura does not specifically teach “the interfaces include controls for receiving a user input value for a maximum amount of subscribed resources; the method further includes the step of presenting an alert if an amount of subscribed resources consumed by said party exceeds a threshold percentage of the maximum amount of subscribed resources”. However, Papierniak teaches these limitations at col. 21, line 39 to col. 22, line 44.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kimura with the teachings of Papierniak to include “the interfaces include controls for receiving a user input value for a maximum amount of subscribed resources;

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the method further includes the step of presenting an alert if an amount of subscribed resources consumed by said party exceeds a threshold percentage of the maximum amount of subscribed resources" in order to provide a method for correlating user, application, access function; and for providing a tool set that can easily communicate with, or become a subset of, an existing scaleable data warehouse to provide Internet marketing decision support.

**As to claims 23, 58,** Papierniak teaches "the steps of receiving a user input value for a particular threshold percentage" at col. 21, line 39 to col. 22, line 44;

"presenting an alert if an amount of resources consumed by said party exceeds the particular threshold percentage of the maximum amount of subscribed resources" at col. 21, lines 14-22, col. 22, lines 1-44.

**As to claims 24, 59,** Papierniak teaches "the maximum amount of subscribed resources includes a maximum amount of at least one of an amount of storage space" at col. 21, line 39 to col. 22, line 44.

**As to claims 25, 60,** Kimura does not explicitly teach "presenting to the user a set of selectable sources of content; receiving user input indicating a selected source; launching a source update process to connect to the selected source and update a database with information received from the selected sources". However, Papierniak teaches "presenting to the user a set of selectable sources of content" at col. 16, lines 22-27;

"receiving user input indicating a selected source" at col. 16, lines 22-27;

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“launching a source update process to connect to the selected source and update a database with information received from the selected sources” at col. 17, lines 13-35.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kimura with the teachings of Papierniak to include “presenting to the user a set of selectable sources of content; receiving user input indicating a selected source; launching a source update process to connect to the selected source and update a database with information received from the selected sources” in order to provide a method for correlating user, application, access function; and for providing a tool set that can easily communicate with, or become a subset of, an existing scaleable data warehouse to provide Internet marketing decision support.

**As to claims 26, 61,** Papierniak teaches “the user input indicating a selected source also indicates a schedule for updating from the selected source” at col. 17, lines 24-34;

“the source update process connects to the selected source according to the schedule for updating from the selected source” at col. 17, lines 24-34.

**As to claims 34, 69,** Kimura does not specifically teach “the steps of if a costing database does not already exist, then automatically creating the costing database of database resource usage by user, and initiating a costing model with price per unit of consumable resource per service; inserting data into the costing database based on actual use of database resources by the user; executing the costing model to compute a cost-per-user based on the data in the costing

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database and the price per unit of consumable resource per service; billing the user for the cost computed by the costing model”. However, Papierniak teaches:

“the steps of if a costing database does not already exist, then automatically creating the costing database of database resource usage by user, and initiating a costing model with price per unit of consumable resource per service” at col. 22, lines 9-44, col. 24, lines 51-65.

“inserting data into the costing database based on actual use of database resources by the user” at col. 22, lines 14-44.

“executing the costing model to compute a cost-per-user based on the data in the costing database and the price per unit of consumable resource per service” at col. 22, lines 14-44;

“billing the user for the cost computed by the costing model” at col. 10, lines 55-59, col. 17, lines 25-35.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kimura with the teachings of Papierniak to include “the steps of if a costing database does not already exist, then automatically creating the costing database of database resource usage by user, and initiating a costing model with price per unit of consumable resource per service; inserting data into the costing database based on actual use of database resources by the user; executing the costing model to compute a cost-per-user based on the data in the costing database and the price per unit of consumable resource per service; billing the user for the cost computed by the costing model” in order to provide a method for correlating user, application, access function; and for providing a tool set that can easily communicate with, or become a subset of, an existing scaleable data warehouse to provide Internet marketing decision support.

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**As to claims 35, 70,** Papierniak teaches “the costing model supports: fixed price per unit of usage” at col. 22, lines 14-44, col. 21, lines 14-22, Fig. 20;

“variable price per unit usage as a function of usage” at col. 22, lines 14-44, col. 21, lines 14-22, Fig. 20;

“flat price up to a maximum value of usage” at col. 21, lines 39-67;

“different prices for different users” at col. 22, lines 14-44, col. 21, lines 14-22, Fig. 20;

“different prices for different services” at col. 22, lines 14-44, col. 21, lines 14-22, Fig. 20;

“different prices for increments of usage above a maximum subscribed usage” at col. 21, lines 39-67.

6. Claims 16, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Patent No. 6,636,588), in view of Moore et al. (US Patent No. 6,330,575 B1).

**As to claims 16, 51,** Kimura does not explicitly teach “delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that present the user with a user-selectable representation of a wizard for building a Web page with a database component associated with an interface to a database; receiving user input indicating the wizard; executing said wizard, including presenting a series of screens to the user to prompt user input for building the Web page”. However, Moore teaches:

“delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that present the user with a

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user-selectable representation of a wizard for building a Web page with a database component associated with an interface to a database” at col. 5, lines 36-48, col. 10, lines 44-58, Abstract,

“receiving user input indicating the wizard” at col. 5, lines 36-48, col. 10, lines 44-58, Abstract;

“executing said wizard, including presenting a series of screens to the user to prompt user input for building the Web page” at col. 5, lines 36-48, col. 10, lines 44-58, Abstract.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kimura with the teachings of Moore to include all these above limitations in order to allow users to design a web site in only a few minutes and does not require any special Internet knowledge.

7. Claims 28-30, 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Patent No. 6,636,588), in view of Papierniak et al. (US Patent No. 6,151,601), and further in view of Moore et al. (US Patent No. 6,330,575 B1).

**As to claims 28, 63,** Kimura does not specifically teach the limitations of claims 28, 63. However, Moore teaches:

“presenting representations of selectable application development kits” at col. 10, lines 23-42;

“receiving user input indicating a selected development kit from the user” at col. 10, lines 23-42;

“launching a staging process including configuring consumable database resources on a staging database device” at col. 10, lines 23-42

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Papierniak with the teachings of Moore to include "presenting representations of selectable application development kits; receiving user input indicating a selected development kit from the user; launching a staging process including configuring consumable database resources on a staging database device" in order to provide a development tool which simplifies the design, creation, and maintenance of a Web site for merchants.

Furthermore, although Kimura and Moore do not expressly teach "wherein a staging database device can be accessed by the user for developing the new database application and cannot be accessed by users associated with other parties of said plurality of second parties; and receiving development input from the user; and building a new application on the staging database device based on the selected development kit and the development input", Papierniak teaches "wherein a staging database device can be accessed by the user for developing the new database application and cannot be accessed by users associated with other parties of said plurality of second parties" at col. 12, lines 52-61;

"receiving development input from the user; and building a new application on the staging database device based on the selected development kit and the development input" at col. 12, lines 52-61, col. 25, lines 1-32.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kimura with the teachings of Moore, Papierniak to include "wherein a staging database device can be accessed by the user for developing the new database application and cannot be accessed by users associated with other parties of said plurality of second parties; and receiving development input from the user; and building a new application on the staging



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database device based on the selected development kit and the development input” in order to provide a method for correlating user, application, access function; and for providing a tool set that can easily communicate with, or become a subset of, an existing scaleable data warehouse to provide Internet marketing decision support.

**As to claims 29, 64,** Moore teaches “the step of developing the new database application further comprising the steps of after receiving user input indicating a selected development kit, determining whether a client process of the selected development kit must be downloaded to a computer of the user over the wide area network” at col. 10, lines 23-42;

“if it is determined the client process of the selected development kit must be downloaded, downloading the client process to the computer of the user over the wide area network before the step of building the new application” at col. 10, lines 23-42.

**As to claims 30, 65,** Papierniak teaches “the step of developing a new database application further comprising the steps of receiving input from the user indicating the new application is ready for operational use” at col. 12, lines 52-61;

“in response to receiving input from the user indicating the new application is ready for operational use, launching a production transfer process including sending a request to the first party to transfer the new application to a production device on which the new application may be accessed by users who did not develop the new application” at col. 12, lines 52-61, col. 23, lines 10-44, col. 25, lines 1-32.

*Response to Arguments*

8. Applicant's arguments regarding Papierniak does not teach "subscribing to database services" and "services for storing and managing data provided by the second parties" with respect to claims 1, 36; and Moore does not teach the aforementioned two claim limitations have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (703) 305-3203. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Miranda Le  
April 29, 2004



GRETA ROBINSON  
PRIMARY EXAMINER